

ORAL ARGUMENT NOT YET SCHEDULED

**IN THE UNITED STATES COURT OF APPEALS  
FOR THE DISTRICT OF COLUMBIA CIRCUIT**

DENKA PERFORMANCE  
ELASTOMER LLC,

*Petitioner,*

v.

U.S. ENVIRONMENTAL PROTECTION  
AGENCY and LEE ZELDIN,  
Administrator of the U.S. Environmental  
Protection Agency,

*Respondents.*

Case No. 24-1135 (consolidated with  
Case Nos. 24-1228, 24-1246,  
24-1249, 24-1250, 24-1251, 24-1252)

**MOTION TO WITHDRAW MOTION TO HOLD CASES IN ABEYANCE**

Respondents United States Environmental Protection Agency and Administrator Lee Zeldin<sup>1</sup> (“EPA”) move to withdraw their Motion to Hold Cases in Abeyance (Doc. #2102445). Upon continued conferrals, the parties have reached agreement on a ninety-day extension of the deadline to file Respondents’ brief and all subsequent briefing deadlines. Respondents will file an unopposed motion seeking a ninety-day extension. Because a ninety-day extension would obviate the need for the requested abeyance at this time, Respondents respectfully move to

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<sup>1</sup> Administrator Zeldin is substituted for former Administrator Michael S. Regan pursuant to Federal Rule of Appellate Procedure 43(c)(2).

withdraw their pending Motion to Hold Cases in Abeyance.<sup>2</sup> No party has responded to the Motion to Hold Cases in Abeyance.

Respectfully submitted,

LISA LYNNE RUSSELL

*Deputy Assistant Attorney General*

*Of Counsel:*

HALI KERR

Office of the General Counsel  
U.S. Environmental Protection  
Agency  
Washington, D.C.

s/ Brandon N. Adkins

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*Counsel for Respondents*

Dated: March 4, 2025

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<sup>2</sup> EPA reserves the right to move for additional relief, including abeyance, as appropriate.

## **CERTIFICATE OF SERVICE AND COMPLIANCE**

I hereby certify that on March 4, 2025, I electronically filed the foregoing Motion to Withdraw Motion to Hold Cases in Abeyance with the Clerk of the Court for the United States Court of Appeals for the District of Columbia Circuit by using the CM/ECF system, which will send notification of such filing to all counsel of record.

This document complies with the length limit of Federal Rule of Appellate Procedure 27(d)(2)(A), because, excluding the parts of the document exempted by Federal Rule of Appellate Procedure 32(f), the document contains 128 words by Microsoft Word for Microsoft 365's word count utility.

This document complies with the typeface and type style requirements of Federal Rules of Appellate Procedure 27(d)(1)(E) and 32(a)(5)–(6), because it was prepared in a proportionally spaced typeface using Microsoft Word for Microsoft 365 in 14-point Times New Roman.

Dated: March 4, 2025

s/ Brandon N. Adkins  
BRANDON N. ADKINS  
Attorney for Respondents